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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/634,973

08/05/2003

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

08/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,973	<b>Applicant(s)</b> SPEARS ET AL.	
	<b>Examiner</b> Houshang Safaipoor	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-21 and 33-38 is/are allowed.
- 6) ☒ Claim(s) 1,2,8-14,22-29 and 31 is/are rejected.
- 7) ☒ Claim(s) 3-7,15-17,30 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/07/05</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 8-12, 14, 22-29 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Schroth et al. (US 2004/0169894).

Regarding claim 1, Schroth discloses an image capture device (400), comprising:

a first scanning module (403) operable to scan a first side of an object; and

a second scanning module (405) operable to scan a second side of said object, said first and second scanning modules translatable along their respective displacement paths (452 & 454, page 7 paragraph [0049]).

Regarding claim 2, Schroth discloses the image capture device of claim 1, wherein said first and second scanning modules are independently translatable along their respective displacement paths (Schroth discloses that the scanner 400 can be instructed “to scan either the left or right page of a book...” This indicates that scanning modules 403 and 405 can operate independently).

Regarding claims 8-11, please refer to page 7 paragraph [0049]).

Regarding claim 12, Schroth discloses the image capture device of claim 1, wherein said image capture device is operable to scan said object in a mode selected from the group consisting

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of a face-up mode, **a face-down mode**, a duplex mode and a transparency mode (fig. 10, paragraph [0049]

Regarding claim 14, Schroth discloses the image capture device of claim 1, wherein in a face-down mode said second scanning module scans said second side (paragraph [0049]).

Regarding claim 22, Schroth discloses a method for scanning an object by an image capture device, comprising: illuminating a first portion of a first side of said object by a first scanning module; capturing light reflected from said first portion of said first side by said first scanning module; illuminating a first portion of a second side of said object by a second scanning module; capturing light reflected from said first portion of said second side by said second scanning module; and moving said first scanning module along a displacement path to illuminate a next portion of said first side and to capture light reflected from said next portion of said first side (fig. 10, page 7 paragraph [0049]).

Regarding claims 23-28, Scroath discloses that scan head segments 403 and 405 are individually equipped with light sources and CCDs for capturing the reflected light from their respective side of the original (page 7 paragraph [0049]).

Regarding claim 29, Schroth discloses a system, comprising: an image capture device, and application logic operatively associated with said image capture device and operable to: cause a first scanning module of said image capture device to illuminate a first portion of said object; cause a second scanning module of said image capture device to capture light passing through said first portion; and cause movement of said first and second scanning modules along their respective displacement paths to illuminate a next portion of said object and to capture light passing through said next portion (fig. 10, page 7 paragraph [0049]).

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Regarding claim 31, Schroth discloses the system of claim 29, said application logic further operable to cause illumination of said first portion by a light source of said first scanning module [0049].

*Allowable Subject Matter*

3. Claims 18-21 and 33-38 are allowed.
4. Claims 3-7, 13, 15-17, 30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Second Rejection**

5. Claims 1, 2, 8-12, 13, 22-29 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Montagu et al. (US 6,586,750).

Regarding claim 1, Montagu discloses an image capture device (fig. 2), comprising:  
a first scanning module (130A) operable to scan a first side of an object; and  
a second scanning module (130B) operable to scan a second side of said object, said first and second scanning modules translatable along their respective displacement paths (figs. 2 & 2A, col. 6, lines 17-67).

Regarding claim 2, Montagu discloses the image capture device of claim 1, wherein said first and second scanning modules are independently translatable along their respective displacement paths (col. 6, lines 58-67).

Regarding claims 8-11, please refer to fig. 2 and 2A, col. 5 line 39 through col. 6 line 67).

Regarding claim 12, Montagu discloses the image capture device of claim 1, wherein said image capture device is operable to scan said object in a mode selected from the group consisting of a **face-up mode**, a face-down mode, a duplex mode and a transparency mode (figs 2 and 2A).

Regarding claim 13, Montagu discloses the image capture device of claim 1, wherein in a face-up mode said second scanning module scans said second side (figs. 2 and 2A).

Regarding claim 22, Montagu discloses a method for scanning an object by an image capture device, comprising: illuminating a first portion of a first side of said object by a first scanning module; capturing light reflected from said first portion of said first side by said first scanning module; illuminating a first portion of a second side of said object by a second scanning module; capturing light reflected from said first portion of said second side by said second scanning module; and moving said first scanning module along a displacement path to illuminate a next portion of said first side and to capture light reflected from said next portion of said first side (figs. 2 & 2A, col. 5 lines 39 to col. 6 line 67).

Regarding claims 23-28, Montagu discloses that scan head segments 403 and 405 are individually equipped with light sources and detectors for capturing the reflected light from their respective side of the substrate (figs. 2 & 2A, col. 5 lines 39 to col. 6 line 67).

Regarding claim 29, Montagu discloses a system, comprising: an image capture device, and application logic operatively associated with said image capture device and operable to: cause a first scanning module of said image capture device to illuminate a first portion of said object; cause a second scanning module of said image capture device to capture light passing through said first portion; and cause movement of said first and second scanning modules along

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their respective displacement paths to illuminate a next portion of said object and to capture light passing through said next portion (figs. 2 & 2A, col. 5 lines 39 to col. 6 line 67).

Regarding claim 31, Schroth discloses the system of claim 29, said application logic further operable to cause illumination of said first portion by a light source of said first scanning module (figs. 2 & 2A, col. 5 lines 39 to col. 6 line 67).

***Allowable Subject Matter***

5. Claims 18-21 and 33-38 are allowed.
6. Claims 3-7, 14, 15-17, 30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. ***Contact Information***

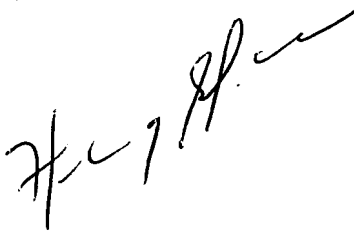
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Houshang Safaipoor  
Patent Examiner  
July 21, 2007

A handwritten signature in black ink, appearing to read 'H. Safaipoor', is written diagonally across the page.